

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NIMKOFF ROSENFELD & SCHECHTER, LLP, ECF CASE

Plaintiff,

- against -

RKO PROPERTIES, LTD. and FIDELITY
INVESTMENTS,

Index No. 07 Civ. 7983 (DAB)

NOTICE OF MOTION

Defendants.
-----X

PLEASE TAKE NOTICE that upon the memorandum of law of Lisa L. Shrewsberry and Ronald A. Nimkoff, dated December 26, 2007, the exhibits annexed thereto and the prior pleadings and proceedings herein, plaintiff Nimkoff Rosenfeld & Schechter, LLP will move this court on a date to be set by the court, before the Honorable Deborah A. Batts at the Federal Courthouse, 500 Pearl Street, New York, New York, for an order dismissing defendants' counterclaims pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b), together with such other relief as this court deems appropriate.

Dated: Hawthorne, New York
December 26, 2007

TRAUB LIEBERMAN STRAUS
& SHREWSBERRY LLP

By: _____ s/

Lisa L. Shrewsberry (LS 1597)
Daniel G. Ecker (DE 2017)
Mid-Westchester Executive Park
Seven Skyline Drive
Hawthorne, New York 10532
(914) 347-2600

Attorneys for Plaintiff on the Counterclaims

NIMKOFF ROSENFELD & SCHECHTER, LLP

By: _____ s/

Ronald A. Nimkoff (RN 4598)

Steven H. Blatt

Plaintiff *pro se*

One Pennsylvania Plaza, Suite 2424

New York, New York 10022

(212) 868-8100